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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3285

AN ORDINANCE vacating 109th Place N.E. and establishing compensation to the City for the street vacation.

WHEREAS, on April 20, 1981, the City Council passed Resolution No. 3738, setting May 18, 1981, as the date for hearing to consider the application of Citizens Federal Savings and Loan Association for the vacation of 109th Place N.E. in the vicinity of N.E. 4th Street within the City of Bellevue, Washington, and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, on May 18, 1981, following the public hearing on said application for street vacation, the City Council continued the hearing for approximately four months; and

WHEREAS, on October 12, 1981, the City Council conducted the continued public hearing on the street vacation application; and

WHEREAS, on October 19, 1981, the City Council found that the public good and interest would be served by the vacation of 109th Place N.E.; and

WHEREAS, an objection to the proposed vacation was filed by abutting property owners, Bellevue Financial Plaza Associates, a Washington limited partnership, and the Council determined that additional proceedings were necessary to determine if said abutting property owners would be damaged by the proposed vacation and, if so, in what amount and the Council further determined that a procedure should be established for consideration of this issue; and

WHEREAS, Citizens Federal Savings and Loan Association has agreed to pay any damages found owing to the objecting property owners and has further agreed to defend and hold the City harmless from any claims or causes of action of abutting property owners resulting from the vacation of 109th Place N.E.; and

WHEREAS, the Hearing Examiner, pursuant to Ordinance No. 3047 passed October 26, 1981 has held hearings to determine the amount of damages to be paid to the objecting abutting property owners; and

WHEREAS, Citizens Federal Savings and Loan Association and Bellevue Financial Plaza Associates entered into an agreement whereby alternative access is to be provided to the protesting abutting owners and utility easements provided for the City; and

3285
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WHEREAS, the Hearing Examiner has recommended that no damages be paid (File No. HE-V 82-1, July 1, 1983); and

WHEREAS, the City of Bellevue has reached an agreement with Citizens Federal Savings and Loan Association and City Eastside Equities (which acquired Citizen Federal's interest) concerning the payment due to the City for the street vacation and the appropriate exchange of property in lieu of compensation as provided by B.C.C. 20.30.596 and .597; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Council finds that the vacation of 109th Place N.E. will serve the public good; that 109th Place N.E. is no longer required for public use and that an alternative access will be provided to Bellevue Financial Plaza Associates which will be by easement and will not require City maintenance and expense; the vacation of 109th Avenue Place N.E. will eliminate potential traffic problems on N.E. 4th Street due to limited sight distances and will increase the potential for development of coordinated site circulation and parking plans.

Section 2. The Council finds that objections to the proposed vacation were filed by abutting property owners and the Council must make a determination as to damages, if any.

Section 3. The Council delegated to the Hearing Examiner the responsibility for taking testimony and making a recommendation concerning damages to the protesting abutting property owners and the Council hereby adopts the findings of fact and conclusions of the Hearing Examiner, File No. HE-V 82-1, entered July 1, 1983 and awards no damages to the abutting property owners. The determination not to award damages is based in part upon the stipulation entered into May 25, 1983 between Bellevue Financial Plaza Associates representing the protesting abutting property owners and Citizens Federal Savings and Loan Association which granted alternative vehicular and pedestrian access and utility easements.

Section 4. That 14,715 square feet (more or less) of 109th Place N.E., Bellevue, Washington as legally defined in Exhibit A attached is vacated. Of that area, 1,527 square feet (more or less) as legally described in Exhibit B attached vacates to Financial Plaza Associates and 13,188 square feet (more or less) legally described in Exhibit C vacates to City Eastside Equities.

Section 5. The sidewalk and utility easements and rights of way acquired in conjunction with this street vacation are for future street

3285
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improvements located on N.E. 4th Street and 108th N.E. If said improvements are funded by a Local Improvement District, it is the intent of the Council that the L.I.D. compensate the Spot Improvement Acquisition Account in Land Purchase Revolving Fund No. 384, Project L-18, in the amount of \$251,941 which is the cost to said fund of taking a trade of properties in lieu of a cash payment.


Section 6. No payment shall be made by Bellevue Financial Plaza Associates for that portion of vacated 109th Place N.E. which reverts to Bellevue Financial Plaza Associates as Citizens Federal Savings and Loan/City Eastside Equities has assumed that obligation pursuant to the stipulation of May 25, 1983.

Section 7. The City Manager is authorized to approve the statutory warranty deeds and the walkway and utility easements and other necessary supporting documents which convey the rights of way and sidewalk area described in preceding Section 5.

Section 8. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 2nd day of April, 1984, and signed in authentication of its passage this 2nd day of April, 1984.

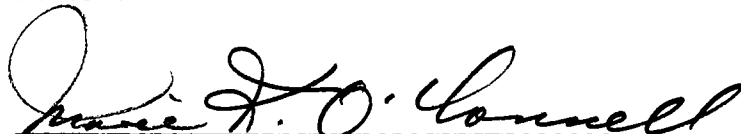
(SEAL)


Cary E. Bozeman, Mayor

Approved as to form:


for Linda M. Youngs, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published April 7, 1984

ORIGINAL

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EXHIBIT A
PARCEL NO. VC-L1213
LEGAL DESCRIPTION

That portion of 109th Place Northeast in Greene's Bellevue Addition Division No. 2, according to the plat recorded in Volume 48 of Plats, Page 12, in the Records and Elections Division, in King County, Washington, described as follows, to wit: Commencing at the northeast corner of Lot 4 in said plat; thence South $0^{\circ}05'55''$ West 4.00 feet along the east line of said Lot 4 to the point of beginning of this description; thence South $88^{\circ}07'09''$ East 50.02 feet to the west line of Lot 5 in said plat; thence South $0^{\circ}05'55''$ West 198.98 feet along the west lines of Lots 5, 3 and 2 in said plat to a point on a non-tangent curve the center of which bears South $38^{\circ}47'08''$ West a radius distance of 40.00 feet; thence Southeasterly, Southwesterly, Northwesterly, and Northeasterly along the respective Western line of said Lot 2, Northwestern line of Lot 1 in said plat, Northeastern line of Lot 9 in said plat, and Eastern line of Lot 8 in said plat on a curve to the right, through a central angle of $282^{\circ}37'25''$ and along an arc length of 197.32 feet to a point on the east line of said Lot 8; thence North $0^{\circ}05'55''$ East 200.54 feet along the east lines of Lots 8, 6 and 4 in said plat to the point of beginning and containing 14,715 square feet, more or less.

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EXHIBIT B

That portion of 109th Place Northeast in Greene's Bellevue Addition Division No. 2, according to the plat recorded in Volume 48 of Plats, Page 12, in the Records and Elections Division, in King County, Washington, described as follows, to wit: Commencing at the northeast corner of Lot 4 in said plat; thence South $0^{\circ}05'55''$ West 204.54 feet along the east lines of Lots 4, 6 and 8 in said plat; thence South $38^{\circ}34'28''$ East 40.00 feet to the point of beginning of this description; thence South $39^{\circ}31'44''$ East 40.00 feet to a point on a nontangent curve the center of which bears North $39^{\circ}31'44''$ West a radius distance of 40.00 feet; thence Southwesterly and Northwesterly along the respective Northwestern line of Lot 1 in said plat and the Northeastern line of Lot 9 in said plat on a curve to the right, through a central angle of $109^{\circ}22'40''$ and along an arc length of 76.36 feet; thence North $69^{\circ}50'43''$ East 40.00 feet to the point of beginning and containing 1,527 square feet, more or less.

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EXHIBIT C PARCEL NO. VC-L1213 LEGAL DESCRIPTION

That portion of 109th Place Northeast in Greene's Bellevue Addition Division No. 2, according to the plat recorded in Volume 48 of Plats, Page 12, in the Records and Elections Division, in King County, Washington, described as follows, to wit: Commencing at the northeast corner of Lot 4 in said plat; thence South 0°05'55" West 4.00 feet along the east line of said Lot 4 to the point of beginning of this description; thence South 88°07'09" East 50.02 feet to the west line of Lot 5 in said plat; thence South 0°05'55" West 198.98 feet along the west lines of Lots 5, 3 and 2 in said plat to a point on a non-tangent curve the center of which bears South 38°47'08" West a radius distance of 40.00 feet; thence Southeasterly and Southwesterly along the Western line of said Lot 2 on a curve to the right, through a central angle of 101°41'09", and along an arc length of 70.99 feet to the southwest corner of said Lot 2; thence North 39°31'44" West 40.00 feet; thence South 69°50'43" West 40.00 feet to the southeast corner of Lot 8 in said plat at a point on a non-tangent curve the center of which bears North 69°50'43" East a radius distance of 40.00 feet; thence Northwesterly and Northeasterly along the Eastern line of said Lot 8 on a curve to the right, through a central angle of 71°34'36", and along an arc length of 49.97 feet to a point on the east line of said Lot 8; thence North 0°05'55" East 200.54 feet along the east lines of Lots 8, 6 and 4 in said plat to the point of beginning and containing 13,188 square feet, more or less.